

AMENDED IN SENATE MARCH 27, 2003

SENATE BILL

No. 472

Introduced by Senator Florez

February 20, 2003

~~An act to amend Section 49427 of, and to add Article 3 (commencing with Section 49440) to Chapter 9 of Part 27 of, the Education Code, relating to school health~~ *An act relating to water quality, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 472, as amended, Florez. ~~School nurses; tobacco settlement funds~~ *Central Valley Regional Water Quality Control Plan.*

(1) Existing law requires each regional water quality control board in the state to formulate and adopt water quality control plans for all areas within its jurisdiction. Existing law also requires each plan to be periodically reviewed, and authorizes each plan to be revised. Existing law prohibits any water quality control plan and any revision to the plan that is adopted by a regional board from becoming effective unless and until it is approved by the State Water Resources Control Board.

This bill would require the California Water Institute at the California State University at Fresno to develop a revision to the water quality control plan adopted by the Central Valley Regional Water Quality Control Board, utilizing a project team from within the institute and in consultation with an advisory committee comprised of representatives from affected state and local agencies and agricultural industry groups. The bill would require the plan revision to be submitted to the regional board for approval and adoption by July 1, 2005, and if that revision is adopted, to be submitted to the state board for approval. The bill would extend the expiration date for any waste

discharge permit that is existing on January 1, 2004, to July 1, 2005 within the jurisdiction of the Central Valley Regional Water Control Board. The bill would provide that these provisions be implemented only if the Trustees of the California State University, by resolution, makes these provisions applicable to the California Water Institute at the California State University, Fresno. The bill would provide that these provisions not be implemented unless on March 31, 2004, \$350,000 is contributed by local sources for development of the plan revision. By requiring municipalities in the central valley basin to participate in an advisory group, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) The bill would appropriate \$1,050,000 from the General Fund to the California Water Institute at the California State University, Fresno, to develop the Central Valley Regional Water Quality Control Plan revision. The bill would require those moneys to revert to the General Fund if the local matching funds are not contributed by local sources by March 31, 2004.

~~(1) Existing law establishes criteria for employment of school medical personnel, and declares the intent of the Legislature that adequate fundamental school health services be maintained.~~

~~This bill would require the Superintendent of Public Instruction to appoint a State School Health Advisory Council to make recommendations regarding model health services programs and practices by January 1, 2005. The bill would require the council to collaborate with the State Department of Education to develop school health services and school nursing services criteria.~~

~~(2) Existing law requires counties and school districts to give initial consideration to the use of funds allocated pursuant to any appropriation from any account in the Cigarette and Tobacco Products Surtax Fund~~

~~for the provision of health care to school populations for credentialed school nurses and school nurse practitioners employed by the school districts, except as stated, and to the extent that those purposes are consistent with the Tobacco Tax and Health Protection Act of 1988. Existing law provides the qualifications required for school nurses and authorizes school nurses to provide certain services if authorized by their local governing board.~~

~~This bill would create the Tobacco Settlement Fund in the State Treasury into which 10% of the state share of all funds received from the tobacco litigation Master Settlement Agreement of 1998 will be deposited, commencing July 1, 2004. The bill would appropriate an unspecified sum from the fund to be allocated pursuant to a schedule to the State Department of Education for apportionment to school districts and county offices of education, the California Community Colleges, the California State University, the University of California, and for the department's administrative costs.~~

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature finds and declares all of the~~
- 2 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
- 3 ~~following:~~
- 4 ~~(1) Increasing economic and population growth in the central~~
- 5 ~~valley area coupled with continued agricultural impacts on the~~
- 6 ~~groundwater in the central valley water basin pose a significant~~
- 7 ~~threat to the basin's groundwater supply.~~
- 8 ~~(2) The water quality control plan adopted by the Central~~
- 9 ~~Valley Regional Water Quality Control Board is that board's most~~
- 10 ~~useful tool in enforcing groundwater protection measures.~~
- 11 ~~(3) The current deficiencies in that plan make groundwater~~
- 12 ~~protection enforcement difficult, and cause unnecessarily high~~
- 13 ~~costs for the regulated community. These high costs are reflected~~
- 14 ~~in a noncompetitive climate for industrial job growth and~~
- 15 ~~cost-prohibitive sewer rates for the low-income populations in the~~
- 16 ~~central valley.~~
- 17 ~~(4) A revision of the Central Valley Regional Water Quality~~
- 18 ~~Control Plan is critically necessary.~~

1 **(b)** *It is the intent, therefore, of the Legislature to provide*
2 *funding to a neutral research institution to provide professional*
3 *services in revising the water quality control plan adopted by the*
4 *Central Valley Regional Water Quality Control Board and the*
5 *State Water Resources Control Board that is subject to the*
6 *approval of those entities.*

7 **SEC. 2.** *(a) The California Water Institute at the California*
8 *State University, Fresno shall develop a revision to the Central*
9 *Valley Regional Water Quality Control Plan. The California Water*
10 *Institute shall utilize a project team from within the institute with*
11 *a comprehensive background in groundwater hydrology,*
12 *wastewater treatment, and disposal in developing the revision to*
13 *the plan, in consultation with an advisory committee comprised of*
14 *representatives of all the following:*

15 **(1)** *Central Valley Regional Water Quality Control Board.*

16 **(2)** *State Department of Health Services.*

17 **(3)** *Department of Fish and Game.*

18 **(4)** *Agricultural industry groups within the central valley basin*
19 *area.*

20 **(5)** *Municipalities within the central valley basin area.*

21 **(b)** *The California Water Institute project team and the*
22 *advisory committee described in subdivision (a) shall submit the*
23 *water quality control plan revision to the Central Valley Regional*
24 *Water Quality Control Board for approval and adoption by July 1,*
25 *2005.*

26 **(c)** *If the Central Valley Regional Water Quality Control Board*
27 *approves and adopts the plan revision update pursuant to*
28 *subdivision (b), the Central Valley Regional Water Quality Control*
29 *Board shall submit that plan revision to the State Water Resources*
30 *Control Board for approval pursuant to Section 13245 of the Water*
31 *Code.*

32 **(d)** *Within the jurisdiction of the Central Valley Regional Water*
33 *Control Board, any waste discharge permit existing on January 1,*
34 *2004, shall be valid until July 1, 2005.*

35 **(e)** *This section shall be implemented only if the Trustees of the*
36 *California State University, by resolution, makes this section*
37 *applicable to the California Water Institute at the California State*
38 *University, Fresno.*

39 **(f)** *This section shall not be implemented unless on March 31,*
40 *2004, three hundred fifty thousand dollars (\$350,000) have been*

1 contributed to the California Water Institute by local sources,
2 including, but not limited to, the regulated community, for the
3 development of the water quality control plan revision.

4 SEC. 3. Notwithstanding Section 17610 of the Government
5 Code, if the Commission on State Mandates determines that this
6 act contains costs mandated by the state, reimbursement to local
7 agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million dollars
11 (\$1,000,000), reimbursement shall be made from the State
12 Mandates Claims Fund.

13 SEC. 4. One million fifty thousand dollars (\$1,050,000) is
14 hereby appropriated from the General Fund to the California
15 Water Institute at the California State University at Fresno, to
16 develop a revision to the Central Valley Regional Water Quality
17 Control Plan pursuant to Section 2 of the act adding this section.
18 If, by March 31, 2004, local matching funds in the amount of three
19 hundred fifty thousand dollars (\$350,000) are not contributed by
20 local sources, as required by subdivision (f) of Section 2 of the act
21 adding this section, the moneys appropriated by this section shall
22 revert to the General Fund.

23 following:

24 ~~(a) The increasing school population and ratio of pupils to~~
25 ~~credentialed school nurses have jeopardized the ability of schools~~
26 ~~to provide safe and appropriate health services to pupils.~~

27 ~~(b) Seven percent of schools have a full-time credentialed~~
28 ~~school nurse.~~

29 ~~(c) Seventy-five percent of schools have a part-time~~
30 ~~credentialed school nurse.~~

31 ~~(d) Pupils requiring glucose monitoring are enrolled at 45~~
32 ~~percent of schools; 23 percent of these pupils require insulin~~
33 ~~injections.~~

34 ~~(e) Increasing asthma rates among school children result in 94~~
35 ~~percent of schools having children with asthma.~~

36 ~~(f) Untrained and unsupervised school office staff administer~~
37 ~~first aid and medication to pupils in 83 percent of schools.~~

38 SEC. 2. Section 49427 of the Education Code is amended to
39 read:

~~49427. (a) It is the intent of the Legislature that the governing board of each school district and each county superintendent of schools maintain fundamental school health services at a level that is adequate to accomplish all of the following:~~

~~(1) Preserve the ability of a pupil to learn.~~

~~(2) Fulfill existing state requirements and policies regarding the health of a pupil.~~

~~(3) Contain health care costs through preventive programs and education.~~

~~(b) The Legislature finds and declares that the provision of these services may be in jeopardy due to the current caseloads in the public schools, and that failure to maintain adequate health services and standards will result in pupils' poorer health and ability to learn.~~

~~(c) The Superintendent of Public Instruction shall appoint a State School Health Advisory Council to make recommendations by January 1, 2005, to the State Department of Education to identify model school health services programs and practices that can be utilized by county offices of education to provide support and technical assistance to schools and school districts within each county in order to improve the safety and quality of health services to pupils in school districts in each county. The council shall collaborate with the State Department of Education to develop school health services and school nursing services criteria to be included and reviewed in the Coordinated Compliance Review process, by January 1, 2005. The council shall also develop criteria for county offices of education to consider when selecting and hiring county school nurse consultants.~~

~~(d) The members of the council shall serve without compensation. However, expenses of members incurred to attend meetings shall be reimbursed at the applicable rate for state employees. The council may meet four times each year in Sacramento and may be comprised of representatives from the following organizations: American Lung Association of California, American Cancer Society, American Diabetes Association, American Academy of Pediatrics, California School Nurses Organization, California State PTA, California Teachers Association, American School Health Association, Association of California School Administrators, California School Boards Association, California Medical Association, California Dental~~

~~Association, schools of nursing, School Nurse Credentialing Program, Commission on Teacher Credentialing, the Attorney General, California Association of School-Based and School Linked Health Programs, youth groups, health maintenance organizations, the State Department of Education, and the State Department of Health Services.~~

~~SEC. 3.—Article 3 (commencing with Section 49440) is added to Chapter 9 of Part 27 of the Education Code, to read:~~

~~Article 3.—Tobacco Settlement Fund~~

~~49440.—It is the intent of the Legislature to reach the stated national goal of one credentialed school nurse to every 750 pupils in general education and one credentialed school nurse to every 200 special education pupils.~~

~~49441.—The Tobacco Settlement Fund is hereby established in the State Treasury. Commencing July 1, 2004, 10 percent of the state share of all funds received from the tobacco litigation Master Settlement Agreement of 1998 shall be deposited in the Tobacco Settlement Fund. The sum of _____ dollars (\$_____) is hereby appropriated from the Tobacco Settlement Fund for allocation pursuant to the following schedule:~~

~~(a) The sum of fifty six million thirty thousand dollars (\$56,030,000) to the State Department of Education for the 2004–05 fiscal year.~~

~~(b) The sum of one hundred twelve million sixty thousand dollars (\$112,060,000) to the State Department of Education for the 2005–06 fiscal year.~~

~~(c) The sum of one hundred sixty eight million ninety thousand dollars (\$168,090,000) to the State Department of Education for the 2006–07 fiscal year.~~

~~(d) The sum of two hundred twenty four million one hundred twenty thousand dollars (\$224,120,000) to the State Department of Education for the 2007–08 fiscal year.~~

~~(e) The sum of two hundred eighty million one hundred fifty thousand dollars (\$280,150,000) to the State Department of Education for the 2008–09 fiscal year.~~

~~(f) The sum of one hundred sixty three thousand dollars (\$163,000) for each school nurse credentialing program at the California Community Colleges, the California State University,~~

~~1 and the University of California for the 2004-05, 2005-06,~~
~~2 2006-07, 2007-08, and 2008-09 fiscal years, to the State~~
~~3 Department of Education for allocation to the California State~~
~~4 University and the University of California for purposes of~~
~~5 funding new students in existing school nurse credentialing~~
~~6 programs.~~

~~7 (g) The sum of seven thousand five hundred dollars (\$7,500)~~
~~8 for the 2004-05, 2005-06, 2006-07, 2007-08, and 2008-09 fiscal~~
~~9 years for each campus of the California State University and each~~
~~10 community college campus that is connected to the California~~
~~11 State University network for distance education to the State~~
~~12 Department of Education for allocation to those campuses.~~

~~13 (h) The sum of one hundred fifty thousand dollars (\$150,000)~~
~~14 for the administrative costs of the State Department of Education.~~

~~15 (i) The sum of one hundred forty-four thousand dollars~~
~~16 (\$144,000) to the Superintendent of Public Instruction for the~~
~~17 costs of the advisory council established pursuant to Section~~
~~18 49427.~~

~~19 49442. The funds allocated to the State Department of~~
~~20 Education in subdivisions (a) to (c), inclusive, of Section 49441~~
~~21 shall be apportioned to school districts that maintain~~
~~22 prekindergarten, kindergarten, or grades 1 to 12, inclusive,~~
~~23 including, but not limited to, general education pupils,~~
~~24 continuation and alternative education programs, court and~~
~~25 community schools overseen by county offices of education,~~
~~26 community day schools overseen by school districts, and pregnant~~
~~27 minor programs.~~

~~28 49443. For the 2004-05 fiscal year, the State Department of~~
~~29 Education shall apportion ten thousand dollars (\$10,000) to each~~
~~30 school district and county office of education for allocation to each~~
~~31 school to supplement its school nursing services. For the 2005-06,~~
~~32 2006-07, 2007-08, and 2008-09 fiscal years, the State~~
~~33 Department of Education shall apportion funds to school districts~~
~~34 and county offices of education with jurisdiction over eligible~~
~~35 schoolsites, based on pupil enrollment with a minimum allocation~~
~~36 of ten thousand dollars (\$10,000) for each schoolsite.~~

~~37 49444. Funds allocated to schools shall be used for the~~
~~38 following:~~

~~39 (a) Assuring that schools with the greatest needs receive~~
~~40 maximum school nursing coverage on a daily basis.~~

- 1 ~~(b) Developing comprehensive school health services and~~
- 2 ~~programs provided and supervised by credentialed school nurses.~~
- 3 ~~(c) Funding infrastructure for university school nurse~~
- 4 ~~credentialing programs.~~
- 5 ~~(d) Assuring every classroom has access, directly or indirectly,~~
- 6 ~~to school nurse expertise.~~
- 7 ~~(e) Supplementing, not supplanting existing funding.~~
- 8 ~~(f) Training, monitoring, and supervising other caregivers in~~
- 9 ~~the school setting.~~
- 10 ~~(g) Providing health services required under existing law.~~
- 11 ~~(h) Developing a process to assess outcomes and quality of~~
- 12 ~~enhanced services provided.~~

